

## AMENDMENTS TO THE CLAIMS:

The listing of claims will replace all prior versions, and listings, of claims in the application:

### LISTING OF CLAIMS:

1. (Currently Amended) A tissue acquisition device, comprising:  
an elongate main body having a proximal end, a distal end, and a length therebetween;  
a first jaw member and a second jaw member each pivotally connected to respective first and second hinge members the distal end of the main body,  
wherein the first and the second jaw members are adapted to ~~move~~ scissor from a first configuration to a second expanded configuration ~~in which the jaw members are translationally positioned into apposition with each other~~, and  
wherein the first and the second jaw members each define an opening for acquiring tissue therewithin, each opening being in fluid communication with at least one lumen defined in the main body.
2. (Original) The device of claim 1 wherein the main body defines additional lumens within the length.
3. (Original) The device of claim 1 further comprising at least one wire disposed within the main body for reinforcing the main body.
4. (Currently Amended) The device of claim 1 further comprising at least one pull wire disposed within the main body and attached to one of said first and second jaw members along the length for selectively articulating the device.
5. (Currently Amended) The device of claim 1 further comprising at least one push rod disposed within the main body and attached to one of said first and second jaw members along the length for selectively articulating the device.

6. (Original) The device of claim 1 further comprising a handle attached to the proximal end of the main body, the handle defining a main port therethrough which is in communication with the at least one lumen defined in the main body.

7. (Original) The device of claim 6 wherein the handle further comprises a lever for actuating the first and the second jaw member in a scissoring motion.

8. (Cancel)

9. (Cancel)

10. (Original) The device of claim 1 wherein each opening on the first and the second jaw members are each defined at 180° from one another.

11. (Original) The device of claim 1 wherein each opening has a length of about 1 in. longitudinally along each jaw member.

12. (Original) The device of claim 1 wherein each opening extends about 0-5 cm. into each jaw member.

13. (Original) The device of claim 1 further comprising at least one guide rod affixed to at least the first or the second jaw member, wherein the guide rod is adapted to tension the tissue when acquired within the opening.

14. (Original) The device of claim 13 wherein the guide rod comprises a rigid bar member affixed to the first and the second jaw member.

15. (Original) The device of claim 13 wherein the guide rod is curved to extend longitudinally adjacent to the first or the second jaw member.

16. (Withdrawn) The device of claim 1 further comprising a mechanical post adapted to be inserted down the lumen of the main body for securing the tissue.

17. (Original) The device of claim 1 further comprising a fastening assembly having a handle, a delivery body, and a clamping portion with clamping jaws attached to a distal end of the delivery body, the fastening assembly being adapted to be inserted through the main body.

18. (Original) The device of claim 17 further comprising at least one fastening element releasably disposed within the clamping jaws.

19. (Original) The device of claim 18 wherein the fastening element comprises a staple.

Claims 20-25. (Canceled)

26. (Original) The device of claim 18 wherein the fastening element is comprised of a material adapted to assist in tissue ingrowth and healing.

27. (Withdrawn) The device of claim 26 wherein the material is selected from the group consisting of meshes, grafts, microporous membranes, and biomaterials, collagen, and porcine biointestinal submucosa.

28. (Original) The device of claim 1 wherein the opening in the first and the second jaw members comprise a plurality of fenestrations defined along each of the jaw members.

29. (Original) The device of claim 1 wherein the opening in the first and the second jaw members comprise at least one fenestration.